

PERSONAL ATTENDANT SERVICES

1.0 SERVICE DEFINITION

- 1.1 Personal Attendant Services (PAS) provides support to adults with physical disabilities who require assistance with the functions of daily living, self-care or mobility in order to maximize their independence in the community. This service relies on the consumer's ability to self direct.
- 1.2 A consumer may act through a guardian or appointed representative.
- 1.3 The consumer shall be supported in his/her effort to direct services contained in the consumer's Individual Services Plan (ISP) as outlined in the specifications.

2.0 ELIGIBILITY

- 2.1 The Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) Case Manager will determine consumer eligibility for PAS and approve the amount of weekly units authorized for service. Approval will be based upon needs and proposed usage of the attendant(s). The DSAAPD Case Manager and consumer will jointly determine the units required.
- 2.2 Criteria that the DSAAPD Case Manager will use to determine client eligibility include, but are not limited to, the following:
 - 2.2.1 residency in the State of Delaware
 - 2.2.2 age 18 years or older
 - 2.2.3 presence of a severe, chronic physical disability which precludes or significantly impairs the individual's independent performance of essential activities of daily living, self-care or mobility within home or community environments. For purposes of this section, a "chronic disability" is a medically determinable impairment which can be expected to last for a continuous period of not less than 12 months.

3.0 SERVICE ACTIVITIES

- 3.1 Within 45 working days of referral, the provider agency and the consumer shall negotiate and sign an Individual Service Plan (ISP) based the consumer's needs, proposed usage of the attendant(s) and the units of service as determined by the consumer and DSAAPD during the eligibility determination.

- 3.2 The ISP shall contain the following:
 - 3.2.1 for the initial ISP, goals for service, as developed between the DSAAPD Case Manager and consumer and as defined on the Service Referral Form.
 - 3.2.2 a description of the services to be provided and how they will be provided;
 - 3.2.3 the time and number of service units (hours) to be delivered
 - 3.2.4 a description of priority care and the viable back-up plan.
 - 3.2.5 a section showing the following:
 - 3.2.5.1 Name and the relationship of the regular attendant(s) and the backup attendant(s).
 - 3.2.5.2 Name, relationship, and notation of other paid or unpaid support persons in the home
 - 3.2.5.3 Number of hours scheduled per pay period;
 - 3.2.5.4 Listing of other employment obligations of attendant(s) or backup attendant(s).
 - 3.2.5.5 Any unique circumstances or conditions;
 - 3.2.6 confirmation of the completion of attendant and/or consumer training;
 - 3.2.7 a clearly stated description of the responsibilities of the provider agency, the attendant(s) and the consumer.
- 3.3 This ISP must be submitted to the DSAAPD Case Manager within 10 working days of signature
- 3.4 Basic services performed by the attendant(s) include:
 - 3.4.1 Assistance with transferring to and from a bed, wheelchair, vehicle, or other environmental setting;
 - 3.4.2 Help with use of medical and non-medical equipment, devices, or assistive technology;
 - 3.4.3 Assistance with routine bodily functions, including, but not limited to:
 - 3.4.3.1 Health maintenance activities;
 - 3.4.3.2 Bathing and personal hygiene;
 - 3.4.3.3 Bowel or urinary evacuation;
 - 3.4.3.4 Dressing and grooming; and
 - 3.4.3.5 Food consumption, preparation and cleanup;
- 3.5 Ancillary services may also be provided, but only if the consumer is also receiving one of the above basic services. Ancillary services include:
 - 3.5.1 Homemaker-type services, including cleaning, laundry, shopping and seasonal chores;
 - 3.5.2 Companion-type services, including transportation, escort and facilitation of written, oral and electronic communication;
 - 3.5.3 Assistance with cognitive tasks, including bill payment and money management, planning activities and decision-making.

- 3.6 Attendants may accompany consumers on vacation or other temporary stays away from home. However, attendant service program funds will **not** be allowed to cover any of the costs associated with the travel for the consumer or the attendant(s). The roles and responsibilities of the attendant(s) and the consumer are the same as when at home.

4.0 PROHIBITED ACTIVITIES

- 4.1 PAS may not be provided in a long term care facility, acute care facility, or group home except:
 - 4.1.1 With prior authorization from DSAAPD Case Manager, PAS may be provided in an acute care setting for no longer than 10 calendar days

5.0 SERVICE UNIT

- 5.1 The standard service unit is one hour of service provided by an attendant to an eligible consumer.
- 5.2 The minimum billable unit of time is one quarter hour of service.
- 5.3 Travel to and from the client's home (or initial service site) shall not be included.

6.0 SERVICE STANDARDS

- 6.1 The provider agency will:
 - 6.1.1 Recruit attendants
 - 6.1.1.1 Provide basic training for attendants
 - 6.1.1.2 Maintain a roster of available attendants for the consumer to enable freedom of choice.
 - 6.1.1.3 Secure background checks including the Adult Abuse Registry on all attendants, including relatives and backup attendants
 - 6.1.2 Provide technical assistance to consumers about the employment process including, but not limited to:
 - 6.1.2.1 Assisting consumer in the purchasing of Workers Compensation Insurance policies
 - 6.1.2.2 Securing and maintaining a checking account to be used for payroll related items
 - 6.1.2.3 Filing and maintenance of payroll records required for payroll and tax preparation, as related to attendant employees
 - 6.1.2.4 Discussing appropriate employee/employer relationships, including those cases where the employee is also a relative

- 6.2 The consumer will:
 - 6.2.1 Be responsible for all employment functions of the attendant including, but not limited to:
 - 6.2.1.1 Conduct hiring interviews for attendants.
 - 6.2.1.2 Supervise and direct attendant in job functions
 - 6.2.1.3 Secure and maintain a checking account to be used for payroll related items
 - 6.2.1.4 Maintain acceptable documentation for payroll and tax filing
 - 6.2.1.5 Complete payroll related tax preparation and filings in a timely manner
 - 6.2.2 Consumer may accept or reject attendants referred to them by a provider agency
 - 6.2.2.1 In the event the provider is unable to supply attendant(s) that are acceptable to a consumer, the consumer may be offered technical assistance to assess the consumer's rationale for rejecting all attendant(s) and/or be referred to another provider agency.
 - 6.2.2.2 Consumers are provided the option of hiring a relative or spouse as their paid attendant. A relative, including spouse is considered a paid employee and therefore the consumer is subject to the same requirements as employees referred by the agency. Individual withholding and tax filing for relatives employees must be performed in compliance with current Federal and State Payroll laws.
- 6.3 Employees must be age 18 or above
 - 6.3.1 The hiring of a minor may be considered on a case-by-case basis and prior approval by DSAAPD is required.
 - 6.3.1.1 The employment of a minor employee is subject to Child Labor Laws and related rules and policies.
 - 6.3.1.2 *Care must be exercised if service is provided by a minor, as they are limited to hours and times they are permitted to work, as outlined in Child Labor Laws and related rules and policies.*
- 6.4 Consumers and the provider agency shall share in the responsibility for obtaining attendants when service hours become difficult to fill.
- 6.5 The use of flexed hours within the same pay period is permitted. No hours can be "borrowed" or "advanced" in anticipation of paying them back through flexing at a later date.
- 6.6 Additional short term attendant service hours may be authorized for consumers if determined eligible by the DSAAPD Case Manager, and if funding permits

7.0 ADMINISTRATIVE REQUIREMENTS OF THE PROVIDER AGENCY

- 7.1 The provider agency must establish contact within five (5) working days of referral from DSAAPD
- 7.2 The provider agency must perform the initial home visit within five (5) working days of establishing contact
 - 7.2.1 If a home visit cannot be conducted within five (5) working days, the DSAAPD CSP Case Manager must be notified
- 7.3 The provider agency must notify the DSAAPD CSP Case Manager, and the client in writing, within ten (10) working days of the home visit, when the provider is unable to serve the client. The written notice shall include the reason the provider is unable to serve the client.
- 7.4 If the consumer fails to establish service within 45 working days of the referral, DSAAPD will be notified. DSAAPD will then assess the reason for lack of initiation of service which may be followed by notice of intent to terminate eligibility.
- 7.5 The provider agency must establish the capability to respond to priority care emergencies. For this purpose, the use of subcontractors for emergency care is permitted.
 - 7.5.1 The provider agency is not required to obtain background checks on attendants used for emergency backup
 - 7.5.2 Emergency backup is defined as service provided for one week or less, when neither the regular attendant or backup attendant is available
- 7.6 The provider agency must meet and comply with all applicable federal, state and local rules, regulations and standards applying to the services being provided.
- 7.7 For each consumer, the provider agency shall establish and maintain a case file, which includes the following:
 - 7.7.1 The Service Referral Form from DSAAPD;
 - 7.7.2 The ISP signed by the consumer and the provider agency;
 - 7.7.3 Documentation of the consumer and attendant(s) training activities;
 - 7.7.4 Documentation of any problems or concerns raised by the consumer, attendant(s) or other third party; the attempts to investigate the problem or concern; and disposition of the problem;
 - 7.7.5 Documentation of the annual reassessments of the ISP; and
 - 7.7.6 Documentation of all in-home visits and telephone contacts;
 - 7.7.7 Signed documentation that the provider has discussed appropriate employee/employer relationships and behaviors with the consumer
- 7.8 The provider agency will make a reasonable effort to confer with DSAAPD to resolve problems that threaten the continuity of the consumer's attendant services.

- 7.9 The provider agency may request permission of DSAAPD to reduce or terminate service when in the agency's professional judgment, one of the following occurs:
 - 7.9.1 The consumer no longer needs the service or level of service currently being provided;
 - 7.9.2 The consumer needs a level of service that is beyond the scope and purpose of the attendant service program;
 - 7.9.3 The consumer's uncooperative behavior, abuse, misuse of the service or program;
 - 7.9.4 The unsafe and/or unsanitary conditions or activities in the consumer's place of residence, even though services are provided and listed on the ISP, jeopardizes the safety or health of attendant(s) and/or the provider agency's staff;
 - 7.9.5 The involvement of the consumer in illegal activities;
 - 7.9.6 The consumer submits timesheets for services not provided or for hours not worked by an attendant(s) or otherwise tries to defraud the program;
 - 7.9.7 The consumer does not pay the co-pay in accordance with the payment schedule mutually agreed upon by the consumer, agency and DSAAPD.
 - 7.9.8 The consumer fails to cooperate with the provider in filing the appropriate tax forms (Schedule H).
- 7.10 The provider agency must ensure access to authorized representatives of Delaware Health and Social Services to the participant's case files and medical records.
- 7.11 The provider agency must maintain the consumer's right of privacy and confidentiality
- 7.12 The provider agency must comply with DSAAPD quality assurance initiatives related to this program
- 7.13 The provider agency must establish policies and procedures related to the resolution of consumer complaints and grievances.
 - 7.13.1 The provider agency must include a written procedure of how unresolved complaints or grievances will be communicated to DSAAPD.

8.0 MONITORING REQUIREMENTS

- 8.1 The provider is obligated to meet the following requirements:
 - 8.1.1 Monitor units used by clients on a monthly basis; ensuring attendants do not exceed the number of units authorized by DSAAPD staff, including an appropriate use of flexed hours;
 - 8.1.2 Monitor time sheets to ensure they are submitted in a timely fashion and accurately reflect the hours and duties worked by the attendant;
 - 8.1.3 Conduct reviews on at least quarterly basis for the health, safety, and welfare status of the individual client and submit

- quarterly progress reports to the individual DSAAPD case manager;
- 8.1.4 Conduct face-to-face visits with the consumer at least annually but more often as the client's needs indicate;
 - 8.1.5 Review and update the ISP (Individual Service Plan) during the annual face-to-face visit;
 - 8.1.6 Mail an annual satisfaction survey to consumers and supply DSAAPD with the results, including all comments as written in the surveys.
 - 8.1.7 Monitor that duties outlined in the ISP is in compliance with Child Labor Laws and related rules and policies, whenever applicable;
 - 8.1.8 The agency is obligated to the following additional requirements when consumers elect to use family members as paid service providers:
 - 8.1.8.1 When the paid service provider is a family member, conduct face-to-face visits with the consumer on at least a semi-annual basis.

9.0 INVOICING REQUIREMENTS

- 9.1 The providers will invoice DSAAPD pursuant to the DSAAPD Policy Manual for Contracts
- 9.2 The following information will also be included on the invoices:
 - 9.2.1 Client name
 - 9.2.2 Authorized Hours
 - 9.2.3 Hours utilized
 - 9.2.4 Monthly Worker's Compensation billed
 - 9.2.5 Monthly Criminal Background checks billed